

REMARKS

With this Response, claims 1 and 33 are amended. Therefore, claims 1-5, 10-11, 13-15, 33-37, 42-43, and 45-47 are pending.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 33-37 and 42-43

These claims were rejected under 35 U.S.C. § 101 as being directed to non-patentable subject matter. While Applicants continue to disagree with the Office's overbroad interpretation of these claims, which interpretation produces the cause for the rejection, Applicants have elected to amend independent claim 33 herein. Applicants submit that the PTO-approved language used herein finds support at least at paragraph [0105]. Additionally, Applicants submit that those skilled in the art are familiar with the concept of computer readable media. Therefore, Applicants respectfully submit that the rejection is overcome, and respectfully request that the rejection be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 112

Claims 1 and 33 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More particularly, the Office Action at page 4 asserts that it is unclear where to find support in the specification for the newly amended limitations. The claims find support, for example, at paragraphs [0068] and [0079]. Additional support for the claims, as well as the amendments currently made herein may be found additionally at paragraphs [0018], [0019], [0027], [0028], and Figures 7A and 7B, and their accompanying description. Thus, the claims find support in the Specification as originally filed. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-5, 10-11, 13, 15, 33-37, 42-43, 45 and 47

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0063544 of Uusitalo et al. (hereinafter "Uusitalo") in view of U.S. Patent No. 7,216,369 of Wiseman et al. (hereinafter "Wiseman"). These claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 1 and 33 are independent. Each independent claim recites features directed to the following:

1. a pre-master secret from which a master secret is derived;
2. signing a master secret with multiple authentication facets, or a master secret signed with multiple authentication keys; and
3. late binding of the secure channel to prevent the binding from persisting outside the secure channel.

The cited references, whether alone or in combination fail to disclose or suggest at least the features set forth above. Therefore, the cited references fail to support an obviousness rejection of the invention as recited in Applicants' independent claims.

The Office Action relies on Uusitalo as disclosing the use of multiple keys in authentication. Even assuming for the sake of argument that the reference can be interpreted as disclosing the use of multiple keys in authentication, which Applicants do not concede, Applicants' claims include features directed to signing a master secret with multiple authentication keys. No such feature is taught or suggested in Uusitalo. The feature is not addressed with respect to Wiseman, but as Applicants have understood the reference, it does not cure the deficiencies of Uusitalo.

As for a pre-master secret from which a master secret is derived, Applicants find no evidence of such a feature in the cited references. The Office Action fails to address the feature in the rejection, and perhaps acknowledges that such a feature is not supported by the cited references.

As for late binding, Applicants note this feature is also passed over the Office Action, which fails to point to anything in the references from which such a feature is supposedly disclosed. Applicants find no explicit support for such a feature in the cited references. If the Office is relying on inherency, the Office has failed to establish that such a feature necessarily flows from the teachings of the cited references. For example, several alternatives are described and explained in Wiseman, which would seem to destroy the possibility that Applicants' claimed feature must necessarily flow inherently from it.

To summarize, Uusitalo fails to disclose or suggest at least the features of the claimed invention listed above. For at least two of those features, the reference has not even been asserted

as disclosing the claimed features. The mention in Wiseman of a TPM fails to cure the deficiencies of Uusitalo. Thus, the cited references fail, whether alone or in combination, to disclose or suggest at least one feature of the claimed invention, and so fail to render obvious the invention as recited in Applicants' independent claims. The remaining claims must necessarily be nonobvious over the cited references for at least the same reasons set forth above for the independent claims. See MPEP § 2143.03.

Therefore, Applicants submit that these claims are patentable over the cited references, and respectfully request that the rejection of these claims be withdrawn.

Claims 14 and 46

Claims 14 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Uusitalo and Wiseman in view of U.S. Patent No. 4,649,233 of Bass et al. (hereinafter "Bass"). Bass is recited as disclosing halting an authentication process if problems arise during authentication. Assuming for the sake of argument that Bass discloses what is asserted in the Office Action, which Applicants do not concede, the reference is not cited as curing, and indeed does not cure the deficiencies of Uusitalo and Wiseman discussed above. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of Applicants' claims. Therefore, the references fail to support a rejection of the independent claims upon which these claims depend, and so likewise fail to support a rejection of these claims. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: November 25, 2008

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